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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,853	03/13/2000	Hadi Partovi	22379-710	6249

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WAGNER, MURABITO & HAO LLP
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SAN JOSE, CA 95113

EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/523,853

Applicant(s)

PARTOVI ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 01/06/2005 has been entered.

Claims 1-25 have been cancelled. Claims 26-52 have been added as new claims. Claims 26-52 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2141

3. Claims 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Albal et al. (US 2003/0147518), hereinafter "Albal".

4. As to claim 26, Albal teaches a method performed by a voice portal, comprising:
receiving a call from a caller, where the call includes identifying information (*the communication node 212 receives a call from a caller using home phone, work phone or cellular phone including the caller telephone number*) (Albal, paragraph [0048]);

identifying a first voice character, based on the identifying information, to be used by the voice portal when audibly interacting with the caller (*through the use of automatic number identification "ANI" or caller line identification "CLI", the communication node 212 can automatically identify the user, and selects a voice character from various dialog voice personalities, such as a female voice, a male voice, etc., based upon the user telephone number to provide a greeting to the user "Hi, this is your personal agent, Maya. Welcome Bob. How may I help you?"*) (Albal, paragraphs [0047-0048]);

detecting a speaking voice associated with the caller through the voice portal interaction with the caller (*the automatic speech recognition unit "ASR" 254 processes the speech inputs from the user to determine the user speech pattern*) (Albal, paragraph [0066]);

identifying a second voice character based on the detected speaking voice associated with the caller (*based on the user speech pattern determined by the "ASR" 254 above, the communication node 212 automatically selects and provides various*

dialog voice personalities, such as a female voice, a male voice, etc., to respond to the audio inputs from the user) (Albal, paragraphs [0047] and [0066]); and

changing from the first voice character to the second voice character when further audibly interacting with the caller *(the application server 242 retrieves the information, processes the retrieved information and provides/outputs the information according to one of various dialog voice personalities above to the user via the “VRU” server 234)* (Albal, paragraphs [0065-0066] and [0074]).

5. As to claims 27-29, Albal teaches the method of claim 26, further comprising determining a locale associated with the call based on the identifying information, determining the first voice character as a voice character associated with the determined local, and presenting prompts to the caller based on the determined local *(the user's telephone number, determined by the use of automatic number identification “ANI” or caller line identification “CLI”, can identify a locale such as a city, state, region, country, and/or a particular place as a hospital or a nursing home, the communication node 212 can automatically select a voice character from various dialog voice personalities, such as a female voice, a male voice, etc., based upon the identified locale to provide a greeting to the user “Hi, this is your personal agent, Maya. Welcome Bob. How may I help you?”)* (Albal, paragraphs [0047-0048]).

6. As to claim 30, Albal teaches the method of claim 26, further comprising determining a type of communication device used by the caller based on the identifying

information (*the communication node 212 can automatically identify the user or the type of the user's communication device through the user of Automatic Number Identification "ANI" or Caller Line Identification "CLI"*) (Albal, paragraph [0048]).

7. As to claim 31, Albal teaches the method of claim 30, wherein identifying a first voice character includes determining the first voice character based on the determined type of communication device used by the caller *the communication node 212 can automatically select a voice character from various dialog voice personalities based upon the user's communication device* (Albal, paragraphs [0047-0048]).

8. As to claim 32, Albal teaches the method of claim 26, further comprising determining actions of the caller during the voice portal interaction with the caller (*in response to audio inputs from the user, the communication node 212 retrieves information such as email, web pages, documents, files, etc., from a destination or database of one or more of the information sources and provides a response to the user based on the retrieved information*) (Albal, paragraphs [0046] and [0063]).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2141

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albal, in view of Ksiazek (US 6,597,765).

11. As to claim 33, Albal teaches the method of claim 32, wherein identifying a second voice character includes determining the second voice character based on the detected speaking voice associated with the caller but does not explicitly teach identifying a second voice character includes determining the second voice character based on the determined actions of the caller.

In a related art, Ksiazek teaches a telecommunications system comprising an originating operator services position system (OSPS), which accesses the ANI database to determine the appropriate assigned operator language services for the telephonic call and also allows the user to selective change the assigned default language for the telephonic call (*the term language here used in a broad sense referring to not only natural spoken language but also variations including but not limited to such as service announcements, wording, intonation, i.e., voice character, etc.*) (Ksiazek, C3: L45-55 and C4: L3-13).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Albal and Ksiazek to include identifying a second voice character includes determining the second voice character based on the determined actions of the caller since such methods were

conventionally employed in the art to provide multi-language with multiple variations services to the user, to provide a user-friendly environment by using the user-preferred language, speech pattern, intonation, etc., and also to enhance the ability of voice processing system to allow user to interact with electronic communication systems in a preferred voice character according to the user's location, identification and/or actions.

12. As to claims 34, Albal-Ksiazek teaches the method of claim 26, further comprising permitting the caller to select a third voice character; and changing from the second voice character to the third voice character when further audibly interacting with the caller (*enabling the user to selectively change the assigned default language/intonation for the telephonic call via the prompt "To change the assigned language/intonation for the telephone operator services, please select the language/intonation you wish to use"*) (Ksiazek, C4: L1-13).

13. Claims 35-43 are corresponding system claims of method claims 26-34; therefore, they are rejected under the same rationale.

14. Claims 44-51 contain similar limitations as claims 35-43 do; therefore they are rejected under the same rationale.

15. Claim 52 contains similar limitations as claim 26 does; therefore, it is rejected under the same rationale.

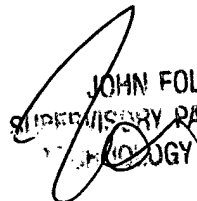
Art Unit: 2141

16. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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